THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26991 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the tender notification dated 27.11.2006, issued by the 1st respondent inviting tenders from registered firms/pharmacists/individuals having experience in the field of running Medical Shops for a period of 2 years in the CKM Government Maternity Hospital, Matwada, Warangal, as arbitrary and illegal.

It is not in dispute that the petitioner established a pharmacy shop in the premises of the CKM Government Maternity Hospital in the year 1996-97, pursuant to the permission granted by the District Collector on payment of rents. It appears that a dispute arose when the rents were enhanced from Rs.500/- to Rs.5,000/- and, consequently, the petitioner filed W.P.No.26396 of 2005. This Court dismissed the said writ petition with a direction to the petitioner to remove the shop situated in the premises of CKM Government Maternity Hospital, Matwada, Warangal, within 10 days. Questioning the said order, the petitioner preferred W.A.No.2513 of 2005. Pending the said Writ Appeal, the Division Bench directed the petitioner to pay the rent at the rate of Rs.1,000/- per month. The said Writ Appeal was finally disposed of by Judgment dated 5.6.2006 recording the statement of the Government Pleader that the shop in question would be allotted for a period of two years after following the prescribed procedure and, till then, the petitioner will be allowed to continue to occupy the shop.

It is not in dispute that pursuant to the order of the Division Bench, the petitioner is being continued till today. However, when the 1st respondent issued the impugned tender notification for allotment of shop, this writ petition is filed with the above prayer.

Having heard the learned counsel for the petitioner, I do not find

any justifiable reason to hold that the impugned notification is either arbitrary or illegal. Though the learned counsel for the petitioner vehemently contended that the said notification is contrary to the Judgment of this Court in W.A.No.2513 of 2005, I am unable to agree, since the Division Bench disposed of the Writ Appeal recording the statement of the learned Government Pleader that the shop will be allotted following due process of law and, till then, the petitioner would be continued.

Admittedly, the petitioner has not been disturbed so far, and the impugned tender notice is issued for fresh allotment in accordance with law. Thus, the impugned action is in terms of the Judgment of the Division Bench and the contentions of the petitioner are misconceived and cannot be accepted.

Accordingly, the writ petition is dismissed. No costs.

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(G. ROHINI, J.)

27th December, 2006.
Kgr.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26991 OF 2006

27th December, 2006.

Between:

Polipaka Yadagiri. .. Petitioner.

And

The Superintendent,
C.K.M. Government Maternity Hospital,
Warangal and others. .. Respondents.